

1130 DELEGATION OF AUTHORITY

Program: Grants and Awards 01

Grants-in-Aid

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Authority Delegated

For functions assigned to their organizations:

1. To make awards for research manpower fellowships; clinical and other training, if specifically authorized by statute; and/or National Research Service Awards (NRSA). To determine allowable stipends and to authorize allowances including applicable travel and subsistence expenses.
2. To make grants-in-aid for research (including projects in support of biomedical communications activities) to universities, hospitals, laboratories, and other public or nonprofit institutions, and to individuals. To make grants-in-aid to profit making organizations to the extent by law and DHHS, PHS and NIH policy.
3. To make grants-in-aid to universities, hospitals, laboratories, and other public or nonprofit institutions for the general support of their research, research manpower programs, and National Research Service Awards.
4. To make construction and related grants-in-aid where specifically authorized by statute. (For example, the authority to make grants for vision research facilities, pursuant to PHS Act section 453, is delegated to the Director, NEI.
5. To make research awards to foreign institutions and international organizations pursuant to 22 U.S.C. 2102. To approve and make awards for the purpose of international cooperation pursuant to Section 307 of the PHS Act (43 U.S.C. 2421).
6. To make awards as part of a Small Business Innovation Research Program, under section 9 of the Small Business Act (15 U.S.C. 638).
7. To make grants-in-aid to Federal institutions, as described in section 2107 of the PHS Act (42 U.S.C. 300aa-6).
8. To make awards for scientific review and evaluation pursuant to section 475 of the PHS Act (42 U.S.C. 2891-4).

9. To make awards for continuing and supporting investigators into the cause, treatment, or prevention of a disease or disorder that presents a public health emergency after a determination by the Secretary under authority of section 319 of the PHS Act.

To Whom Delegated	Area of Authority
Deputy Director, NIH	NIH
Deputy Director for Intramural Research	NIH
Deputy Director for Extramural Research and Training	NIH
Director, DRG (Authority No. 8 only)	NIH
Directors of Bureaus and Institutes, Directors, DRR, FIC	Respective Organizations

All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

Limitations

1. The PHS Act in section 301 and elsewhere authorizes the making of grants-in-aid for research and other projects as recommended by the appropriate National Advisory Councils, Boards, etc. The authority delegated herein is subject to this limitation.
2. Authority to terminate grants-in-aid for cause before the end of the project period is reserved to the Director, NIH. Termination by an NIH component with consent of the grantee or at the written request of the grantee is not reserved to the Director, NIH.
3. Authorities in 42 U.S.C. 241(a)(8) are not to be exercised without assurances to the Director, NIH, that necessary conditions of the Act are met as well as satisfactory Congressional and public notice considered.
4. The authority, in Authority No. 1, to determine allowable stipends is to be exercised subject to the provisions of PHS Grants Administration Manual Chapter 3-140 and requires concurrence of the Deputy Director for Extramural Research and Training.
5. The authority to make grants-in-aid, as delegated herein, includes the authority to make the appropriate alternative forms of federal financial assistance (grant, contract or cooperative agreement) as provided in 31 U.S.C. 6301 et seq. Contracts, or course, must be executed by properly authorized officials.
6. The authority to approve single case deviations from the 25 percent limitation on non-trainee

expenses under NRSA grant programs (PHS Grants Administration 3-140) is retained by the Director, NIH. Limitations on waivers and exceptions under the NRSA program are set forth in NIH Manual 4810.

7. Exercise of authority in 22 U.S.C. 2102 is subject to the policies and procedures in PHS Grants Administration Manual 2-600 and NIH Manual 4104.

8. PHS Grants Administration Manual 1-530-20A.4 requires a PHS Agency Head or designee to approve grants for international conferences where there is no U.S. representative organization. The Director, FIC, is designated to act for the Director, NIH, concerning these grants. No further delegation of this authority is permitted without approval of the Director, NIH.

9. The authority to make financial assistance or funding agreements, such as grants, with for profit organizations is delegated to officials named herein to the extent permitted by law, and Department or PHS regulations or policies.

10. In his memorandum of June 1, 1983, ASH designated the National Institutes of Health as the lead PHS Agency for coordinating implementation of the Small Business Innovation Research Program throughout PHS. Responsibility to carry out this function is assigned to the Deputy Director for Extramural Research and Training.

11. This delegation of authority does not include authority to promulgate regulations, establish advisory committees or councils, appoint members to advisory committees or councils, submit reports to Congress, or create organizations.

12. Awards of property are discussed in Delegations of Authority, [Program General No. 16](#) and [No. 16A](#).

Redelegation

In order to meet HHS, PHS, and NIH Manual requirements: (1) The authority to approve awards for funding is redelegated to the associate director in charge of the extramural area for the component, or equivalent; (2) The authority to sign and issue notice of award forms that notify the grantee and others that an award has been made, contains or makes reference to all terms and conditions of the award, and provides the documentary basis for recording the obligation of Federal funds in the NIH accounting system, is redelegated to the awarding component's Grants Management Officer. Other or further redelegations require notice to the Deputy Director for Extramural Research and the Director, Division of Financial Management.

Citations

1. Titles III, IV, X and XI, and XXI PHS Act, as amended
2. 5 U.S.C. 302; 15 U.S.C. 638; 22 U.S.C. 2101; 31 U.S.C. 6301; 42 U.S.C. 203, 216, 300aa-6
3. Applicable DHHS and PHS Regulations in Titles 42 and 45 CFR; DHHS and PHS Grants Administration Manual 1-03, 1-64, 1-500
4. Memorandum to the Director, NIH, from the Deputy Assistant Secretary for Population

Affairs, dated July 9, 1971, entitled: Delegation of Authority to Carry Out the Provisions of the "Family Planning Services and Population Research Act of 1970." Memorandum to the Deputy Assistant Secretary for Population Affairs from the Assistant Secretary for Health dated February 28, 1983, entitled: Delegation of Authority Under Title X of the PHS Act, As Amended, Population Research and Voluntary Family Planning Programs. [See Delegation of Authority, [Program, General No. 24.](#)]

5. Memorandum, dated September 28, 1979, to the Director, NIH, from the Assistant Secretary for Health, entitled: Delegation of Authority Under Title IV of the Public Health Service Act Regarding the National Research Institutes
6. Memorandum from Acting Assistant Secretary for Health to Director, NIH, dated July 7, 1977, entitled: Delegation of Authority: Genetic Diseases -- Sections 1102 and 1106 of the Public Health Service Act. (On April 18, 1979, PHS approved the NIH Memorandum of March 22, 1979 which transferred the authority for Section 1106 from the Director, NIH, to the Administrator, HSA.) [Section 1106 was subsequently revoked.]
7. Memorandum to Director, NIH, from the Assistant Secretary for Health, dated June 26, 1981, entitled: Delegation of Authority Under Title III of the PHS Act, as Amended
8. Memorandum to Director, NIH, et al. from the Acting Director, Office of Management, PHS, dated March 26, 1980, entitled: Authority to Deviate from the 25 Percent Limitation on Non-Trainee Expenses Under National Research Service Award Grant Program
9. Memorandum to the Director, NIH, from the Assistant Secretary for Health, dated June 1, 1983, entitled: Delegation of Authority Under Section 9 of the Small Business Act, Public Law 85-536, As Amended
10. Memorandum to the Director, NIH, from the Assistant Secretary for Health, dated April 13, 1983, entitled: Delegation of Authority Under Title V of the Public Health Service Act. [Memorandum of July 6, 1983, to PHS Agency Heads from the Assistant Secretary for Health, entitled Redesignation of Title V of the PHS At to Title XXI, continues the April 13, 1983 delegation but makes it applicable to the redesignated sections of the PHS Act as converted by P.L. 98-24]
11. Secretary's Reorganization Order of June 29, 1973 (38 FR 18261)
12. Redelegation of Authorities by the Assistant Secretary for Health June 18, 1973 (38 FR 18261). [Continued by the Secretary, April 18, 1979 (44 FR 23132).]

/s/
James B. Wyngaarden, M.D.
Director, NIH

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